IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 5384 of 2006

Date of Decision: 13.10.2006

Rajvir Singh ...Petitioner

Vs.

Satpal Singh and Anr. ...Respondents

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.Parveen Kumar, Advocate,
for the petitioner.

Vinod K.Sharma, J. (Oral)

Present revision petition has been filed against the orders passed by the learned Courts below granting injunction in favour of the plaintiff thereby restraining the petitioner-defendant from encroaching upon or blocking the passage being used by the parties.

Learned counsel for the petitioner contends that as a matter of fact there has been a settlement between the parties under which he was entitled to block the passage and give alternate passage to Kashmir Singh.

This document so far has not been proved and therefore, cannot be looked at this stage to adjudicate the matter. Once it is proved on record that there is a passage being used by the parties, the plaintiff-respondent had prima facie case to seek injunction restraining the defendant from interfering in the use of the passage by the parties. Learned courts below therefore, were right in granting injunction in favour of the plaintiff restraining the defendant from interfering or blocking the passage.

No merit. Dismissed.

However, the observations made herein shall have no bearing on the merits of the case.

(Vinod K.Sharma)
Judge

13.10.2006
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